

No. 11(112)-3 Lab-78/4647.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Maruti Technical Services Private Ltd., Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 53 of 1977

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S MARUTI  
TECHNICAL SERVICES PVT. LTD., GURGAON

Present :--

Nemo for the workmen.

Shri S.M. Suri for the management.

AWARD

By order No. ID/GG/77/21482, dated 1st/2nd June, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Maruti Technical Services Private Ltd., Gurgaon and its workmen to this Tribunal, for adjudication in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947:--

Whether the discharge of the following workmen who complained that they were forced to submit resignations was justified and in order ? If not, to what relief are they entitled ?

1. Shri Bali Ram Singh.
2. Shri Prabhu Ram.

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. But on 31st August, 1977 none appeared for the workmen, hence notices were again issued to the workmen, but service of the notice was not effected, hence again the notice was sent to the workmen and the case was fixed on 21st November, 1977. On 21st November, 1977 the representative for the workmen appeared but the management did not appear. Then the case was fixed for *ex parte* evidence of the workmen and the management was proceeded against *ex parte*. On 8th December, 1977 both parties appeared. The management moved an application for setting aside the *ex parte* proceedings which was set aside subject to the payment of cost of Rs. 40/- only and the case was fixed for 17th January, 1978. On 17th January, 1978 the management appeared but none appeared for the workmen. The management offered the payment of cost of Rs. 40/- only but neither the workmen nor their representative was present, hence the workmen were proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the management.

The management has examined Shri A.K. Sachdeva as M.W. who stated that he was in the employment of the management in office. He had brought the record concerned. From the record he gave evidence that Shri Bali Ram Singh was appointed on 3rd September, 1976 as a learner at a monthly stipend of Rs. 87/- plus Rs. 38.50 I.D.A. This workman resigned on 25th April, 1977. His resignation was accepted on 28th April, 1977 and his accounts were cleared and he was paid in full and final and the workman signed on salary register on 29th April, 1977. He produced a copy of appointment letter, photostat copy of

resignation and letter of acceptance. He identified the signatures of the workman on these documents.

He further stated that Prabu Ram was appointed on 3rd September, 1976 and he had resigned on 30th April, 1977. His resignation was accepted *vide* Ex. M.W. 1/6. He identified the signatures of the workman concerned. The workman has received all his dues in full and final settlement and has signed the payment of wages register. He further submitted that the workmen have submitted resignations of their own. They were not forced to submit the resignation, nor any threats were administered to the workmen. They were even not the members of the Maruti Ltd. union. But that the workmen did not serve any notice to the management stating that their resignation was procured under threat or force. The management closed their case.

I have gone through evidence oral as well as documentary led by the management. The workmen were given several opportunities but in spite of that they did not appear on several dates of hearing, despite the fact that they were issued notices time and again and when the workmen did not appear finally despite several adjournments on their requests and despite several notices served on them time and again to appear and pursue their demand and the reference, the workmen were proceeded against *ex parte* and the *ex parte* evidence of the management was recorded. The management closed their case on 2nd March, 1978 and the workmen have by this time not moved any application for setting aside *ex parte* proceedings against them. It seems that they are not interested in pursuing their reference hence they did not appear at all after appearing on some dates of hearing and knowing full well the dates of future hearings.

I have considered the *ex parte* evidence of the management. The photostat copy of the resignation submitted by the workmen has been given in evidence by the management. The management have also given letter of appointment of the workman. The management have also proved that the resignation of these workmen were accepted by them. It is also in the evidence of the management that the workmen have been paid all their dues.

From the *ex parte* evidence of the management I am satisfied that the workmen were not forced to submit their resignation. They submitted their resignation of their own and the management accepted resignation of the workmen and communicated to the workmen the acceptance of the resignations. It is not a case of discharge of the workmen by the management. I, therefore, answer this reference and give my award as follows :—

That the workmen named Sarvshri Balj Ram Singh and Prabu Ram had submitted their resignation of their own and the management accepted the resignation and communicated to the workmen the acceptance of the said resignation. The management did not discharge these workmen. These workmen are not entitled to any relief.

Dated 20th April, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 380, dated 20th April, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 20th April, 1978. [ E ]

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.